

United States
Circuit Court of Appeals
For the Ninth Circuit.

WONG BACK SUE,

Appellant,

vs.

CHARLES T. CONNELL, as Immigration Inspector
in Charge,

Appellee.

In the Matter of the Petition of WONG BACK SUE
for a Writ of Habeas Corpus.

Transcript of Record.

Upon Appeal from the United States District Court for
the Southern District of California,
Southern Division.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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Names and Addresses of Attorneys.

For Petitioner and Appellant:

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For Respondents and Appellees:

ALBERT SCHOONOVER, Esq., U. S Attorney, and MANSEL G. GALLAHER, Esq., Assistant U. S. Attorney, Los Angeles, California. [3*]

In the District Court of the United States, in and for the Southern District of California, Southern Division.

In the Matter of WONG BACK SUE on Habeas Corpus.

Citation on Appeal.

United States of America,—ss.

The President of the United States, to Hon. CHARLES T. CONNELL, as Immigration Inspector in Charge, and to his Attorney, ALBERT SCHOONOVER, United States Attorney in and for the Southern District of California, Greeting:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals, for the Ninth Circuit, to be holden at the city of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an

*Page-number appearing at foot of page of original certified Record.

order allowing an appeal of record in the clerk's office of the United States District Court for the Southern District of California, Southern Division, wherein Wong Back Sue is appellant and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Hon. BENJAMIN F. BLEDSOE,
United States District Judge for the said District,
this 24th day of Feby., 1915.

BENJAMIN F. BLEDSOE,
United States District Judge.

Service of the foregoing citation acknowledged
and copy thereof received this 24th day of February,
1915.

M. G. GALLAHER,
Asst. U. S. Atty.
CHAS. T. CONELL,
Inspr. in Charge. [4]

[Endorsed]: No. 927—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of Wong Back Sue on Habeas Corpus. Citation on Appeal. Filed Feb. 24, 1915, at 40 min. past 4 o'clock, P. M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. [5]

In the District Court of the United States, in and for the Southern District of California, Southern Division.

No. 927—CRIM.

In the Matter of the Petition of WONG BACK SUE,
for a Writ of Habeas Corpus. [6]

In the District Court of the United States, in and for the Southern District, Southern Division of California.

In the Matter of WONG BACK SUE on Habeas Corpus.

Petition for Writ.

To the Honorable, BENJAMIN F. BLEDSOE,
United States District Judge in and for said District:

The petition of Wong Back Sue respectfully shows: That said Wong Back Sue is unlawfully imprisoned, confined, detained and restrained of his liberty by C. T. Connell, Immigration Inspector for said District, in the County Jail in the city of Los Angeles, county of Los Angeles, State of California; that the said imprisonment, detention, confinement and restraint, are unlawful in this:

That pursuant to the application of Geo. W. Webb, Immigration Inspector, at Calexico, California, dated January 6th, 1915, charging that the petitioner herein entered the United States on or about December 19th, 1914, without inspection as

contemplated by the Immigration Act, and that said entry was affected from Mexico, near Calexico, California, in violation of Section 36, of the said Immigration Act, and that said petitioner was within the purview of section 21 of the Immigration Act, because found in the United States, having entered in violation of Section 7, Chinese Exclusion Act of September 13, 1888, and being a Chinese laborer and failed to produce to the proper officers a return certificate; a warrant dated January 23d, 1915, for the arrest of the petitioner was issued by the Assitant Secretary of Labor, Charles B. Franklin, Inspector, purporting to charge as follows:

(a) That the petitioner entered the United States in violation of Section 7, Chinese Exclusion Act, of September 13th, 1888, [7] and (b) that he was a Chinese laborer who failed to produce to the proper officer a return certificate required by said section, and (c) that he entered in violation of Section 36 of said act, rule 13.

That thereafter, to wit, on or about February 15, 1915, a purported warrant of deportation purporting to have been issued and signed by W. B. Wilson, Secretary of Labor of the United States, was received by said C. T. Connell, Immigration Inspector at Los Angeles, California, ordering the deportation of this petitioner to China upon the alleged grounds (a) that the petitioner entered the United States, landing near Calexico, California, on or about December 18th, 1914, and (b) that the petitioner was subject to deportation under section 21 of the Immigration act, approved February 20, 1907, in that he

entered the United States in violation of Section 7, Chinese Exclusion Act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate required by said section, and (c) that the petitioner was found unlawfully within the United States in violation of the act of Congress of February 20, 1907, amended March 26, 1910, and, (d) that petitioner entered the United States in violation of Section 36, of said act, rule 13.

That pursuant to said warrants, the petitioner is now unlawfully held and detained in the County Jail of Los Angeles County, as aforesaid.

Petitioner alleges that the statements, affidavits, evidence and other sources of information upon which said arrest of petitioner and the said warrant upon which he was ordered deported *was* wholly insufficient to justify the issuing of said warrant of [8] deportation; that the purported facts upon which the said Secretary of Labor purported to act were wholly insufficient as a basis for the arrest and detention of said petitioner, or the issuing of said warrant or warrants, and hereinbefore referred to; that no facts were at any time heard or proven upon which there was authority to issue said warrant of arrest or deportation. That said warrant of deportation was issued without any sufficient showing that petitioner was in the deportable class.

II.

That the petitioner has been a resident of the United States for the period of 25 years next preceding this date, and that heretofore, to wit, on or

about the 31st day of March, 1894, there was issued to him a certificate of residence in the United States, and that ever since said time, the petitioner has been a continuous resident of the United States, and that he has not departed therefrom since said certificate of residence was issued to him; that he is entitled to his liberty from said confinement under the Constitution and laws of the United States; that by said imprisonment, he has been deprived and is now deprived of his liberty without the due process of law, to which he is entitled; that by said unlawful imprisonment, he has been and is now deprived of the protection of the laws of the United States and the liberties guaranteed persons of like class, that the said arrest and detention of petitioner and the said order of deportation of petitioner, are without authority of law in that there were no facts ever at any time shown to the authorities purporting to issue said warrant or warrants, justifying their issuance under any law or treaty of the United States.

III.

That the portion of said warrant of deportation ordering this petitioner to be deported to China is void, and that if the matters and things upon which said warrant of deportation was issued [9] were true, all of which this petitioner denies, this petitioner should not be deported to China, but to Mexico.

WHEREFORE, the petitioner prays that Writ of Habeas Corpus directed to the said *E. T. Connell*, Immigration Inspector, issue commanding him, or any person acting under his authority in the prem-

ises to produce the body of the said petitioner before your Honor at a time and place to be herein specified to the end that the cause of his deportation may be inquired into, and that he may be restored to his liberty, and that pending such hearing no further action be taken toward the deportation of this person, and that your petitioner be admitted to *said* bail as is reasonable.

(Signed) (Chinese Characters.)

State of California,
County of Los Angeles,—ss.

Wong Back Sue, being first duly sworn, deposes and says that he is the petitioner named in the foregoing petition; that he has read the petition, and knows the contents thereof, and that the same are true of his own knowledge, except as to the matters therein stated on information and belief, and as to those matters, he believes them to be true.

(Signed) (Chinese Characters.)

Subscribed and sworn to before me, this 18th day of February, 1915.

[Seal]

RALPH J. DOMINGUEZ,

Notary Public in and for the County of Los Angeles,
State of California.

W. W. HYAMS,

THOMAS A. SANSON,

DUKE STONE,

Attorneys for Petitioner.

[Endorsed]: No. 927—Crim. In the District Court of the United States, Southern District of California, Southern Division. In [10] the Matter of Wong

Back Sue. Petition for Writ of Habeas Corpus. Filed Feb. 18, 1915, at 45 min. past 10 o'clock, A. M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. W. W. Hyams, Thomas A. Sanson, Duke Stone, Attorneys for Petitioner, 1039 Merchants Nat'l. Bk. Bldg., Los Angeles, California. [11]

[Order Denying Application for a Writ of Habeas Corpus, etc.]

At a stated term, to wit, the January Term, A. D. 1915, of the District Court of the United States of America, in and for the Southern District of California, Southern Division, held at the courtroom thereof, in the city of Los Angeles, on Tuesday, the twenty-third day of February, in the year of our Lord, one thousand nine hundred and fifteen. Present: The Honorable BENJAMIN F. BLEDSOE, District Judge.

No. 927—CRIM. S. D.

In the Matter of the Application of WONG BACK SUE, for a Writ of Habeas Corpus.

This cause having heretofore been presented to the Court for its consideration and decision on an application for the issuance of a writ of habeas corpus, said application being accompanied by a transcript of a hearing before the immigration officials of the Government; and said cause now coming on upon said application; Mansel E. Gallaher, Esq., Assistant U. S. Attorney, appearing as counsel for respondents; Duke Stone, Esq., appearing as counsel

for petitioner; now, upon further presentation of this cause, it is by the Court ordered that petitioner's said application for a writ of habeas corpus be, and the same hereby is denied, to which ruling of the Court, on motion of petitioner and by order of the Court, exceptions are hereby noted herein on behalf of said petitioner; and it is further ordered, on motion of Duke Stone, Esq., of counsel for petitioner, that said petitioner be, and hereby is granted until Wednesday, the 24th day of February, 1915, at 10 o'clock, A. M., within which to prepare and present petition for appeal herein, and take such other steps in the matter of an appeal as he may be advised. [12]

Bureau of Immigration,
Form 8D.

Warrant—Deportation of Alien.

UNITED STATES OF AMERICA.

U. S. Department of Labor.

WASHINGTON.

El Paso No. 5025/685.

No. 53944/11.

Inc. 3845.

To SAMUEL W. BACKUS, Commissioner of Immigration, Angel Island Station,
San Francisco, California.

WHEREAS, from proofs submitted to me, after due hearing before Immigrant Inspector Charles B. Franklin, held at Yuma, Arizona, I have become satisfied that the alien

WONG BACK SUE,
who landed at or near the port of Calexico, Califor-

nia, on or about the 18th day of December, 1914, is subject to be returned to the country whence he came, under section 21 of the Immigration Act approved February 20, 1907, being subject to deportation under the provisions of a law of the United States, to wit, The Chinese Exclusion laws, in that:

He re-entered the United States in violation of section 7, Chinese Exclusion Act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate required by said section;

And, WHEREAS, from proofs submitted to me, after due hearing before Immigration Inspector Charles B. Franklin, held at Yuma, Arizona, I have become satisfied that the said alien has been found in the United States in violation of the act of Congress approved February 20, 1907, amended by the act approved March 26, 1910, in that: [13]

He entered in violation of section thirty-six of said act (rule 13),

I, W. B. WILSON, Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, does hereby command you to return the said alien to China, the country whence he came, at the expense of the appropriation "Expenses of Regulating Immigration, 1915." You are directed to purchase steerage transportation for the alien via the Pacific Mail Steamship Company, from San Francisco, Cal., to China, payable from the above-named appropriation.

For so doing, this shall be your sufficient warrant.

WINTESS my hand and seal this 10th day of February, 1915.

(Signed) W. B. WILSON,
Secretary of Labor.

RHH. [14]

[Hearing Before Immigrant Inspector, January 24,
1915.]

WARRANT HEARING.

U. S. DEPARTMENT OF LABOR.

IMMIGRATION SERVICE, MEXICAN
BORDER DISTRICT.

File No. 4027/4.

January 24, 1915.

Time: 3:15 P. M.

In the Matter of WONG BACK SUE, arrested pursuant to Departmental telegraphic warrant, dated Jan. 23, 1915, No. —, charged with: Entering the United States without inspection, in violation of Section 36 of the Immigration Act, and, further, that he re-entered the United States in violation of Section 7, Chinese Exclusion Act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate required by said section, and, brings the alien within the purview of Section 21 of the Immigration Act, and subject to deportation thereunder.

Hearing had before Immigrant Inspector Charles B. Franklin, in the office of Sheriff, Yuma Co., Ariz.,

at Yuma, Arizona, on this 24th day of January, 1915.
Present: CHARLES B. FRANKLIN, Examining
Officer.

FONG SHUE (Sworn), Interpreter.

CHARLES B. FRANKLIN,

Stenographer,

Secretary.

Warrant presented, read, and explained to the alien, who is advised of the nature of the proceedings and that he may be released from custody during the pendency of the case upon furnishing a satisfactory bond in the sum of twenty-five hundred dollars (\$2,500.00). [15]

Alien in good health.

Alien, being first duly sworn, testified as follows:

[Testimony of Wong Back Sue.]

My name is Wong Back Sue; I am 66 years of age; a subject of China; and of the Chinese race; embarked for the United States from China; and landed at the port of San Francisco, California, on TG—7—6—30, #——; my destination at that time being San Francisco, California. The names and addresses of the members of my family in the United States and abroad are as follows:

No relatives in the United States.

Wife, Ju Hoy, and son, Wing Fat, residing at Wong Let village, H. P. district, China. No others.

Q. What occupation do you follow?

A. Laborer; cook by trade.

Q. Have you a certificate of residence entitling you to be and remain in the United States as a Chinese laborer?

(Testimony of Wong Back Sue.)

A. Yes, I gave it to you. (Refers to certificate of residence No. 95,243, issued in the name of Wong Back Sue, by O. M. Wellburn, Collector for the First California District, per Samuel Prager, Deputy, at Los Angeles, Cal., on March 31, 1894, to a laborer, occupation cook, residence, 761 Alameda Street, Los Angeles, Cal.; height 5' 3 $\frac{3}{4}$ "; age 45; physical marks, scar left side of neck; scar left side of top of head; scar right side of neck.)

Q. Have you made any trips to China since you received this certificate of residence?

A. No, I have never been back there since I first came to the United States.

Q. Have you made any trips to Mexico since coming to the United States?

A. No, I have never been to Mexico, but I took a trip to El [16] Paso, Texas, in the early part of 1906.

Q. Were you not in Mexico, working as cook on the Loftus ranch in February or in the early part of 1914?

A. No, I never worked there, don't know that place.

Q. Were you ever in Mexicali, Mexico?

A. No, I never was in Mexico.

Q. Do you know a Chinaman in Mexicali by the name of George Henry?

A. No, I never heard that name before.

Q. Did you not live in Mexicali, Mexico, about three months ago? A. No, I did not.

Q. Do you know a Chinese merchant in Mexicali,

(Testimony of Wong Back Sue.)

Mexico, by the name of Jim Lee?

A. No, I don't know him.

Q. Were you ever in El Centro, California?

A. No. I was never there.

Q. Where were you during the month of December last year, 1914?

A. I was living in Los Angeles.

Q. Was you in Los Angeles, all of the time from the first to the 19th of December of 1914?

A. Yes, all the time in December.

Q. Did you not come from El Centro, Cal., to Los Angeles, Cal., on the train, on the 19th of last December, 1914?

A. No, I was in Los Angeles, at that time.

Q. I will now show you the train inspection card, showing that you were inspected by Inspector Palmer, on train S. P. #37, from El Centro, Cal., to Los Angeles, Cal., at El Centro, Cal., on December 19, 1914, and also the card of Inspector Frank G. Ellis, on the same date and train at Indio, Cal., while you were en route to Los Angeles, Cal., #—. (Witness is shown cards above described, which are attached to the application [17] for warrant of arrest in this case, same being referred to as a part of the record herein, was read to the alien.)

Q. What have you to say to this statement?

A. I never took a train from El Centro to Los Angeles, Cal., and that is all a mistake.

Q. Do you mean to say that you deny the evidence shown by the official records, showing that you were inspected on train No. 37, from El Centro, Cal., to

(Testimony of Wong Back Sue.)

Los Angeles, on December 19, 1914?

A. It is a mistake; I was in Los Angeles, Cal., all the time.

Q. I will now read you four statements of four persons who swear on oath that they saw you in Mexico, during part of the year 1913 and 1914, in Mexicali, and on the Loftus and Davis ranches, south and west of Mexicali.

(Statements of D. L. Crane, George Henry (Chinese), G. L. Hockenberry, and Jim Lee (Chinese), which are attached to the application for warrant of arrest in this case, and are referred to as a part of the record herein, were read to the alien, comprising exhibits "C," "D," "E" and "F.")

Q. What have you to say to these statements?

A. I don't know any of these men, and I never worked on a ranch, nor lived in Mexicali, Mexico, never was in Mexico, and they don't tell the truth.

Q. Whose photograph is this I have in my hand? (Showing alien photo of himself, which is attached to exhibit "B" hereof, certification of Inspector Geo. W. Webb, that said photograph of Wong Back Sue was shown to the four witnesses named above, who positively identified him as having been seen by them in Mexico, and which certificate with photos attached being attached to the application for warrant of arrest in this case, and is referred to as a part of the record herein.)

A. That is my photograph.

Q. Did you not make a statement to me on January 16th last? [18] A. Yes.

(Testimony of Wong Back Sue.)

Q. Did all of the statements made by you at that time contain the truth?

A. Yes, as far as I remember.

Q. Then you are not sure that you told me the truth at that time?

A. Yes, but I am an old man and sometimes I forget just how long and at what time I was at certain places.

Q. Were you ever in Calexico, California?

A. No, I was never there.

Q. How long ago did you leave Yuma last time to go to Los Angeles, California?

A. I think about five years ago next July.

Q. The first time I asked you this question, you said that you left Yuma for Los Angeles, about three years ago, that was on January 16, 1915, and later on in the same examination you stated that you were in Los Angeles four years after leaving Yuma at that time.

A. Yes, I know but I forgot, and now I think it was five years next July that I went to Los Angeles, Cal.

Q. Where did you work in Los Angeles at the time you arrived there in July that time?

A. I worked in a Chinese restaurant as cook, name of restaurant, "American Restaurant," on Alameda Street, I forget the number.

Q. At what time and how long did you work in that restaurant?

A. About two months, and, then my leg hurt me so that I quit, and did not work at all after that,

(Testimony of Wong Back Sue.)

until I came to Yuma on the 8th of this month.

Q. Did you not tell me in your previous statement that you had to leave Yuma to go to Los Angeles to have your leg treated, as blood-poisoning had set in, and that you did not work at any time while in Los Angeles at that time? [19]

A. Yes, I work for two months in the "American Restaurant," and then I lay off as my leg got too bad, so Dr. Wong treat me but I could not work any more.

Q. Then you did not tell me the truth when you said you had blood-poisoning when you first went to Los Angeles and *was* treated by Dr. Wong for the same during the first two months you were there?

A. Yes, I had a little blood-poisoning and was treated when I first went there, and all the time I was there for about ten months, but I was able to work for about two months, and then it got worse and I had to stop working.

Q. Have you a scar on your leg where you were hurt? A. Yes, exhibits large scar on right shin.

Q. Did Dr. Wong treat your leg for ten months?

A. No, only about two months.

Q. If it will be five years next July since you left Yuma to go to Los Angeles, then you must have been in Los Angeles four and one half years, or thereabouts. A. Yes, I think so.

Q. Then you went to Los Angeles in July of 1910.

A. Yes, that's right.

Q. In your last statement did you not tell me that you went to Los Angeles from Yuma in July, 1912?

(Testimony of Wong Back Sue.)

A. Maybe I did, but I forget, as I now think I went there in 1910.

Q. You say that you worked for two months in the "American Restaurant"; did you live there during that time also?

A. I lived at the Quong Yick store; no, I mean Haw Lun Fong, for over a year when I first went to Los Angeles.

Q. And after that where did you live?

A. At Mo Wun Fong, about 8 months; I forget street and number.

Q. After that where did you go to live?

A. I go to Wong Yut, at the Quong Yick store in Los Angeles [20] Street; I think I live there about seven months; I forget.

Q. Where did you go after that?

A. To Yet Sang Tong, forget street and number, and how long I stay there as part of time I sleep in gambling-house.

Q. How long do you think you lived at Yet Sang Tong?

A. I don't know, I think 6 or 7 months; it is on Alameda Street.

Q. Where did you live just prior to coming back to Yuma?

A. I go back to the Quong Yick store and stay there until I come to Yuma, about three or four weeks I think.

Q. I will now read you a sworn statement made by Wong Yut, at Los Angeles, Cal. on January 14, 1915.

(Testimony of Wong Back Sue.)

(Statement of Wong Yut, which is attached to the application for warrant of arrest in this case, and is referred to as a part of the record herein, was read to the alien.)

Q. What have you to say about this statement?

A. I think Wong Yut forget about it.

Q. Did you know Wong Yut when you registered in 1894, and received your certificate of residence?

A. Yes, that was when I first came to Los Angeles, from Stockton, Cal.

Q. Did you not tell me in your previous statement that you did not know Wong Yut during the registration period, and that you had only known him for ten years?

A. I knew him a little bit when I registered, but I get well acquainted with him about ten years ago, and sometimes live at his store.

Q. Wong Yut states that you only lived at his store four or five weeks just before you left for Yuma.

A. Yes, I live there then and a long time before that also, he forget about it.

Q. Did you not live in Mexicali, Mexico, within the last two months before coming to Yuma?

A. No, I never lived there. [21]

Q. Wong Yut also states that you worked for some American people in Los Angeles.

A. He don't know what I do; I never worked for any American people in Los Angeles.

Q. I will now read you a statement made by Wong

(Testimony of Wong Back Sue.)

Sai Gin, *alias* Dr. Wong, at Los Angeles, Cal., on January 14, 1915.

(Statement of Dr. Wong which is attached to the application for warrant of arrest in this case, marked exhibit "H" and is referred to as a part of the record herein, was read to the alien.)

Q. What do you say to Dr. Wong's statement?

A. Dr. Wong, he forget about my leg, and he also treat me for a cough, and sell me medicine.

Q. In Dr. Wong's statement, he says that he treated you for a cough and that there was nothing the matter with your arms or legs.

A. When I first went to Los Angeles he put some medicine and a bandage on my leg.

Q. Was that the only time he treated your leg?

A. No, he put medicine and bandages on my leg three or four times.

Q. How long did he treat your leg?

A. About two months, part of the time he gave me medicine for the leg and I fix the bandage myself.

Q. Could you walk during that time?

A. Yes, part of the time and the rest of the ten months it hurt me, I walked with a crutch.

Q. Dr. Wong says he never doctored you for blood-poisoning in the leg.

A. Yes, he did; he forget it, I guess.

Q. He also states that you went to China in 1906.

A. No, he is mistaken I never went to China at any time, since I first come to the United States.

[22]

Q. Did you not tell me before that you lived at the

(Testimony of Wong Back Sue.)

Quong Yick store the last three or four months in 1914, just before you came to Yuma?

A. I don't remember; I live there three or four weeks last time.

Q. Did you ever act as a witness in any Chinese case in the United States? A. No, never.

Q. Do you deny the evidence offered by the witnesses produced in this case, who swear that they have seen you in Mexico?

A. Yes, because I never was in Mexico.

Q. You are now afforded an opportunity to inspect the warrant of arrest and all the evidence upon which the same was issued, and you are advised of your right to be represented by counsel at this hearing. Do you wish to avail yourself of this right?

A. Yes, I talk with my cousin and friends and let you know.

Q. How long do you want in which to secure an attorney?

A. I don't know, I have no money, and maybe my clansmen get one for me; I think about three days.

Q. Have you any witnesses to offer in this case?

A. I don't know until I talk with my countrymen and the lawyer.

The further hearing of this case is continued and adjourned until January 27, 1915, at 2 o'clock, P. M.

CHARLES B. FRANKLIN,

Immigrant Inspector. [23]

[Hearing Before Immigrant Inspector, January 27,
1915.]

U. S. DEPARTMENT OF LABOR.

Immigration Service.

Yuma, Arizona.

Office of Sheriff,

Yuma Co., Arizona, January 27, 1915.

Time 2:00 P. M.

Continued hearing in the case of Wong Back Sue,
pursuant to adjournment on January 24, 1915.

Present: CHARLES B. FRANKLIN, Examining
Inspector and Secretary.

FONG SHOU, Interpreter (Chinese,
sworn).

(Examining Inspector to Alien.)

Q. Have you secured counsel to represent you at
this hearing?

A. Not yet; I would like one more day in which to
secure an attorney, as Mr. Robertson, the attorney
who was to represent me, finds that he is too busy, so
Fong Shue and my cousin Wong Shou, try and get me
a lawyer to-morrow.

Q. Will you be able to secure bond during the
pendency of your case?

A. I don't know; I will talk with my countrymen
and lawyer about that.

The further hearing of this case is continued and
adjourned until January 28th, 1915, at 2:00 o'clock,
P. M.

CHARLES B. FRANKLIN,

Immigrant Inspector. [24]

**[Hearing Before Immigrant Inspector, January 28,
1915.]**

U. S. DEPARTMENT OF LABOR.

Immigration Service.

Yuma, Arizona.

Office of Sheriff,

Yuma Co., Arizona, January 28, 1915.

Time: 2:00 P. M.

Continued hearing in the case of Wong Back Sue,
pursuant to adjournment on January 27, 1915.

Present: CHARLES B. FRANKLIN, Examining
Inspector and Secretary.

FONG SHUE, Chinese Interpreter
(sworn).

(Examining Inspector to Alien.)

Q. Have you been able yet, to secure counsel to
represent you at this hearing?

A. No, not yet.

Q. This case has been continued twice and you
have been granted five days in which to secure coun-
sel, please give me a definite answer; can you secure
counsel by to-morrow?

A. No, I am afraid not as I have no money, and
my countrymen are not able, or do not care to help
me out, so I can do nothing more.

Q. Do you waive all right to be represented by
counsel at this hearing?

A. Yes, I can't help it.

Q. Have you any other evidence to offer in this
case? A. No.

Q. Then you have nothing further to offer in your case, showing why you should not be deported in conformity with law?

A. No, I have told you everything I know. [25]

**[Findings and Recommendation of Immigrant
Inspector.]**

WARRANT HEARING.

**DEPARTMENT OF COMMERCE AND LABOR.
IMMIGRATION SERVICE, MEXICAN BORDER
DISTRICT.**

FINDINGS: From the evidence presented in this case, it is found that Wong Back Sue, *alias* Wong Thet Jung, is an alien; native and subject of China; that he is unlawfully within the United States, in that he entered therein on or about December 18, 1914, at or near Calexico, California (exact date being unknown), without inspection as contemplated by the Immigration Act; in violation of section 36 of the Immigration Act; and, further, that he re-entered the United States in violation of section 7, Chinese Exclusion Act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate required by said section, and, brings the alien within the purview of section 21 of the Immigration Act, and subject to deportation thereunder.

RECOMMENDATION. Three years not having elapsed since the entry of the alien herein mentioned, it is respectfully recommended that he be deported to the country whence he originally came, and of which he is a citizen, to wit, CHINA, which recommendation is in accordance with the provi-

sions of sections 20, 21 and 35 of the Immigration Act.

Alien in detention in the Yuma County Jail, Yuma, Arizona, in default of \$3500.

CHARLES B. FRANKLIN,
Immigrant Inspector.

I certify that the foregoing is a true and correct transcript of the record of hearing in this case.

CHARLES B. FRANKLIN,
Secretary. [26]

I hereby certify that during the hearing of which the above is a transcript, I correctly translated from Chinese into English and from English into Chinese, all questions and answers contained in said transcript.

(Chinese Characters.)

FONG SHUE,
Chinese Interpreter. [27]

**[Warrant to Take Alien into Custody and to Grant
Him a Hearing, etc.]**

Bureau of Immigration.

Form 8-C.

WARRANT—ARREST OF ALIEN.

UNITED STATES OF AMERICA,

U. S. Department of Labor.

WASHINGTON.

No. 53944/11.

(El Paso No. 5025/685.)

To F. W. BERKSHIRE, Supervising Inspector, El Paso, Texas, or to any Immigrant Inspector in the service of the United States.

WHEREAS, from evidence submitted to me, it

appears that the alien Wong Back Sue, who landed at an unknown port, on or about the 15th day of January, 1915, is subject to be taken into custody and returned to the country whence he came under section 21 of the Immigration Act approved February 20, 1907, being subject to deportation under the provisions of a law of the United States, to wit, the Chinese Exclusion Laws, for the following among other reasons:

That he re-entered the United States in violation of section 7, Chinese Exclusion Act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate required by said section;

And, WHEREAS, from evidence submitted to me, it appears that the said alien has been found in the United States in violation of the act of February 20, 1907, amended by the act approved March 26, 1910, for the following among other reasons:

That he entered in violation of section 36 of said act (rule 13). [28]

I, Louis F. Post, Assistant Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of Regulating Immigration, 1915." Pending disposition of his case the alien may be released from

custody upon furnishing satisfactory bond in the sum of \$2500.

For so doing this shall be your sufficient warrant.

Witness my hand and seal this 23d day of January, 1915.

(Signed) LOUIS F. POST,
Assistant Secretary of Labor.
CHARLES B. FRANKLIN,
Immigrant Inspector.

Chinese alien, Wong Back Sue, delivered to Inspector Henry Weiss, charge deportation
G. E. B. party, S. P. train 101, January 31, 1915, for conveyance to Los Angeles, Cal.

(On reverse side of sheet:) Office of Immigration Inspector, Yuma, Arizona. The within warrant of arrest for Wong Back Sue was executed by me January 23, 1915, by taking Wong Back Sue into custody.

CHARLES B. FRANKLIN,
Immigrant Inspector. [29]

Form 565.

**Application for Warrant of Arrest under Sections
20 and 21 of the Act of February 20, 1907.**

U. S. DEPARTMENT OF LABOR.

Immigration Service.

(Place) Los Angeles, California,

January 22, 1915.

L. A. File No. 5528/498.

The undersigned respectfully recommends that the Secretary of Labor issue his warrant for the arrest of Wong Back Sue, male, Chinese alien (telegraphic warrant applied for this date from Los An-

geles, Cal.), the alien named in the attached certificate, upon the following facts which the undersigned has carefully investigated, and which, to the best of his knowledge and belief, are true:

(1) (Here state fully facts which show alien to be unlawfully in the United States. Give sources of information, and, where possible, secure from informants and forward with this application duly verified affidavits setting forth the facts within the knowledge of the informants.)

That the above-named alien is unlawfully within the United States, in that he entered therein on or about December 19, 1914, without inspection as contemplated by the Immigration Act; and, further, that said entry was effected from Mexico, near Calexico, California, at a point on the land border other than as designated by the Secretary of Labor, in violation of section 36 of the said Immigration Act; and, further, that said alien is within the purview of section 21 of the Immigration Act, in that he has been found within the United States, subject to deportation under the provisions of a law of the United States, for the reason that he [30] re-entered the United States in violation of section 7, Chinese Exclusion Act of September 13, 1888, being a Chinese laborer who failed to produce to the proper officer the return certificate as required, by said section.

Statement of alien, dated January 16, 1915, marked exhibit "A," attached hereto.

Certification of George W. Webb, Inspector in Charge, Calexico, California, dated January 16, 1915,

marked exhibit "B," attached hereto.

Statement of D. L. Crane, dated January 16, 1915, marked exhibit "C," attached hereto.

Statement of George Henry, dated January 15, 1915, marked exhibit "D," attached hereto.

Statement of O. L. Hockenberry, dated January 16, 1915, marked exhibit "E," attached hereto.

Statement of Jim Lee, dated January 15, 1915, marked exhibit "F," attached hereto.

Statement of Wong Yut, dated January 14, 1915, marked exhibit "G," attached hereto.

Statement of Wong Sai Gin, dated January 14, 1915, marked exhibit "H," attached hereto.

Train Inspection Card of Inspector Palmer, dated December 19, 1914, marked exhibit "I," attached hereto.

Train Inspection Card of Inspector Frank G. Ellis, dated December 19, 1914, marked exhibit "J," attached hereto.

No verification of landing, Form 505, attached. No record extant.

(2) The present location and occupation of the above-named alien are as follows: Yuma, Arizona. Laborer.

Pursuant to rule 22 of the Immigration Regulations there is attached hereto and made a part hereof the certificate prescribed in subdivision 2 of said rule, as to the landing or entry of said [31] alien, duly signed by the Immigration officer in charge at

the port through which said alien entered the United States.

(Signature) CHAS. T. CONNELL,
(Official title) Inspector in charge.

WAB.

Approved and forwarded:

_____,
Supervising Inspector. [32]

[Exhibit "A" to Application for Warrant of Arrest
—Statement of Alien.]

U. S. DEPARTMENT OF LABOR.

Immigration Service.

Yuma, Arizona.

Office of Immigrant Inspector.

January 16, 1915.

4027/4.

In Re—WONG BACK SUE, Status Under investigation.

CHARLES B. FRANKLIN, Inspector and Sec.
CHAN SING JOE, Interpreter. (Sworn.)

WONG BACK SUE, being first duly sworn, testified as follows:

Q. Give all your names.

A. Wong Back Sue is my boyhood name and Wong Thet Jung is my marriage name, that's all.

Q. *Hold* old are you? A. 66 years.

Q. When and where were you born?

A. In Wong Let Village, HP district, China, in Dow Quon-28-12.

Q. When did you first come to the United States?

A. In Tong Gee-7, leaving Hong Kong in May on

(Testimony of Wong Back Sue.)

a Chinese sailing vessel, name forgotten, landing in San Francisco, (date forgotten) after being over two months on the voyage.

Q. How many trips have you made to China since first coming to the United States?

A. None, have been in U. S. ever since my first arrival.

Q. Are you married?

A. Yes, I was married in my native village before coming to the U. S., in Tong Gee-6-April, to Jew Hoy, still in my native village.

Q. Have you any children?

A. Yes, only one boy, who is about 40 or 41 years of age, in native village, never been in U. S.

Q. Is he married?

A. Yes, but his wife dead.

Q. Did he ever have any children? A. No.

Q. Have *yo* any other children? A. No.

Q. Are your father or mother living?

A. No, dead long time. [33]

Q. Have you any brothers or sisters?

A. No, I am the only one.

Q. When did you arrive in Yuma last time?

A. I left Los Angles on January 8th at 8:00 A. M., arriving in Yuma at 3:30 P. M. same day.

Q. Have you ever lived in Yuma before?

A. Yes, three or four years ago.

Q. Please tell me whether it is three or four years since you lived in Yuma? A. 3 years ago.

Q. When you left Yuma did you go direct to Los Angeles? A. Yes.

(Testimony of Wong Back Sue.)

Q. When did you leave Yuma at that time?

A. In July of 1912.

Q. That would not be three years until July, 1915?

A. Yes.

Q. Have you been in Los Angeles ever since you left Yuma at that time? A. Yes.

Q. Why did you leave Yuma to go to Los Angeles at that time?

Q. I fell over a box in the dark and bruised my right shin, and blood-poisoning set in, I went there for medical treatment,

Q. Are you sure that you have been and lived in Los Angeles all of the time during the past year and have not made any side trips?

A. Yes, I live there all the time.

Q. Where were you on December 5, 1914?

A. In Los Angeles.

Q. Were you in Los Angeles on December 18, 1914? A. Yes.

Q. What doctor treated your leg for blood-poisoning?

A. Doctor Wong Leng Woon, doctor for the Yick Sang Tong drug store.

Re Wong Back Sue, Page 2.

Q. How long were you under treatment of Dr. Wong?

A. Over two months, just after I arrived in Los Angeles from Yuma.

Q. Were you treated for any other ailment, while in Los Angeles, other than your infected leg.

A. No. [34]

(Testimony of Wong Back Sue.)

Q. Where did you live during the time that you were in Los Angeles?

A. In Quong Yick store on Los Angeles Street, don't remember No.

Q. How long, and at what time did you live there?

A. The last three or four months in 1914, just before coming to Yuma.

Q. When you first went to Los Angeles in July, 1912, where did you live?

A. At Haw Lun Fong, in a small street in Chinatown, forget the name and I live there over a year.

Q. When you left Haw Lun Fong, where did you go to live?

A. To Mo Wun Fong, in Chinatown, forget street, and I live there about 16 or 17 months.

Q. Did you leave Los Angeles, at any time since you went there in July, 1912, until you returned to Yuma, on the 8th of this month?

A. No, I live all the time in Los Angeles, and did not go away from there.

Q. What work have you done in Los Angeles during the past three years?

A. I did not work at all as my leg was too bad.

Q. How much money did you have when you left Yuma? A. About \$300.

Q. Did you live on that amount for three years?

A. No, part of the time I live with friends that I didn't pay.

Q. Did you live in Yuma when you hurt your leg?

A. Yes, I live on First Street, between Main and Gila, forget number.

(Testimony of Wong Back Sue.)

Q. How did you happen to hurt your leg?

A. Someone left a big box outside of the door of my house and when I came out, stumbled over it and fell bruising my leg.

Q. Have you ever sent any money, presents or other articles, by a friend, to your family or friends in China?

A. No, only I send money to my wife by mail, not by friend.

Q. When did you first meet Dr. Wong?

A. In July, 1912, when I hurt my leg and went to Los Angeles. [35]

Q. Did you never meet him before?

A. No, never.

Q. Who is the manager for the Quong Yick Co.?

A. Wong Yut.

Q. How long have you known Wong Yut?

A. About 10 years.

Q. Where did you live during the registration period in the U. S.? A. In Los Angeles, Cal.

Q. Did you register at that time and receive a certificate of residence?

A. Yes. (Note: Witness has certificate of residence No. 95243, as laborer at Los Angeles, 761 Alameda Street, issued in the name of Wong Back Sue, by the collector for the First Cal. Dist., on March 31, 1894. Marks; scar lft. side neck; scar lft. side top of head; scar right side neck.)

Q. Did you know Wong Yut during the registration period?

A. No, I meet him first about 10 years ago.

(Testimony of Wong Back Sue.)

Q. What is your occupation? A. Cook.

Q. When were you last employed in that capacity?

A. Last time I cook at Picacho mine in Cal. about 25 miles from Yuma, for over a year.

Q. Have you done any work at all since you left the Picacho mine?

A. No, I did not work since then.

Q. In what year did you leave the Picacho mine?

A. In 1909 and 1910, after which I came to Yuma.
In re Wong Back Sue, Page 3.

Q. How long were you in Yuma before you left for Los Angeles? A. About 3 or 4 months.

Q. If you left the mine in 1910, came to Yuma and stayed 3 or 4 months, and went to Los Angeles, then you must have gone to Los Angeles, in 1910 or 1911, instead of in 1912 as you previously stated.

A. Yes, that's right. [36]

Q. Then you must have been in Los Angeles last time over three years?

A. Yes, I guess I was there about 4 years.

Q. Have you understood the interpreter?

A. Yes.

Q. Write your name in Chinese characters below.

(Witness writes names given below.)

(Chinese Characters) (Chinese Characters)

WONG BACK SUE, *alias* WONG THET JUNG.

I hereby certify that the foregoing is a true and correct transcript of the record of hearing in this case.

CHARLES B. FRANKLIN,
Immigrant Inspector. [37]

**[Exhibit "B" to Application for Warrant of Arrest
—Certificate as to Photograph.]**

**U. S. DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.**

In answering refer to

Office of Inspector in Charge.

No. 136/23

Calexico, Cal., January 16, 1915.

Photograph.

Photograph.

(Endorsed) Wong Back (Endorsed) Wong Back

Sue, 1/14/15

Sue, 1/14/15

W. A. Brazie,

W. A. Brazie,

Inspector,

Inspector,

Los Angeles, Calif.

Los Angeles, Calif.

I HEREBY CERTIFY that the photograph hereto attached, which is marked "B" on front and endorsed on back "Wong Back Sue, 1/14/15, W. A. Brazie, Inspector, Los Angeles, Calif." was presented by me to the following named witnesses:

O. L. Hockenberry,

D. L. Crane,

Jim Lee and

George Henry,

who positively identified it as taken of a Chinaman they had known in Mexico, as per their statements herewith.

To my certain knowledge said Chinaman has not resided in any town in the Imperial Valley within the last five years.

GEO. W. WEBB,

Inspector in Charge.

[Exhibit "C" to Application for Warrant of Arrest
—Statement of D. L. Crane.]

DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.

L. A. file

5555/227

Office of Inspector in Charge,
Calexico, California, January 16, 1915.

In re WONG BACK SUE, Status Under Investigation.

Inspector in Charge GEO. W. WEBB, Examining
Officer.

WILLIAM H. TOMKINS, Stenographer.

D. L. CRANE, being first duly sworn, testified as follows:

Q. What is your name and age?

A. D. L. Crane, 30 years of age.

Q. Where do you reside?

A. Calexico, California.

Q. Were you running a farm in Mexico, across the line from Calexico, California, to the west of Mexicali, Mexico, during the year 1912?

A. Yes, 1912, 1913, and 1914.

Q. What occupation are you following now?

A. Raising stock.

Q. I now show you a photograph of a Chinaman which is marked "B" on the face, and on the back of same "Wong Back Sue," (signed by) "W. A. Brazie, Inspector, Los Angeles, Calif." Have you

(Testimony of D. L. Crane.)

ever seen the Chinaman that the photograph represents, in Mexico? A. I have.

Q. About when did you last see him in Mexico?

A. It must have been about February, 1914, last February, on the Loftus ranch in Mexico.

Q. Who is the foreman of Loftus ranch at the present time? A. George Davis.

Q. Was the Chinaman whose photograph I have described working on the Loftus ranch at that time?

A. Yes, sir, he was the cook.

Q. Are you positive then that the Chinaman whom this photograph [39] represents was on the Loftus ranch in Mexico during a portion of the year 1914?

A. Yes, I am positive of that Chinaman.

Read by witness and signed by him as approved and correct:

D. L. CRANE,
Witness.

I HEREBY CERTIFY that the foregoing is a true and correct transcript of the examination of the above-named witness.

WILLIAM H. TOMKINS,
Stenographer.

WHT.

1/16/15/. [40]

[Exhibit "D" to Application for Warrant of Arrest
—Statement of George Henry Before Immigrant
Inspector.]

Calexico

136/23

DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.

L. A. file

5555/227

Office of the Inspector in Charge,

Calexico, California, January 15, 1915.

In re WONG BACK SUE, Status Under Investi-
gation.

Inspector in Charge GEO. W. WEBB, Investi-
gating Officer.

WILLIAM H. TOMKINS,
Stenographer.

GEORGE HENRY (Chinese), being first duly
sworn, testified in English, as follows:

Q. What is your name? A. George Henry.

Q. How old are you? A. 48 years old.

Q. Where do you reside and what is your occupa-
tion?

A. Merchant, residing in Mexicali, Mexico.

Q. How long have you lived in Mexicali?

A. 12 months.

Q. I now present to you a photograph of a China-
man which is marked "B." Have you ever seen the
Chinaman this photograph represents?

A. Yes, I have seen him in Mexicali, Mexico.

(Testimony of George Henry.)

Q. On about what date was it you saw him in Mexicali, Mexico, last?

A. Three months ago, I suppose.

Q. You are sure that you saw the Chinaman whom the above-mentioned photograph represents in Mexicali, Mexico? A. Yes.

GEORGE HENRY,
Witness. [41]

I HEREBY CERTIFY that the foregoing is a true and correct transcript of the examination of the above-named witness.

WILLIAM H. TOMKINS,
Stenographer.

WHT.

1/15/15. [42]

**[Exhibit "E" to Application for Warrant of Arrest
—Statement of O. L. Hockenberry Before
Immigrant Inspector.]**

DEPARTMENT OF LABOR.
IMMIGRATION SERVICE.

L. A. file
5555/227

Office of Inspector in Charge,
Calexico, California, January 16, 1915.

In re Wong Back Sue, Status under investigation.
Inspector in Charge, GEO. W. WEBB, Examining
Officer.

WILLIAM H. TOMKINS,
Stenographer.

O. L. HOCKENBERRY, being first duly sworn, testified as follows:

Q. What is your name?

A. O. L. Hockenberry.

Q. How old are you? A. 26.

Q. Where do you reside?

A. In Mexicali, Mexico.

Q. How long have you resided there?

A. About three and a half years.

Q. By whom are you employed?

A. By George A. Davis, as a foreman.

Q. As foreman for George A. Davis, are a good part of your duties performed in Mexico?

A. Yes, sir.

Q. Do you employ Chinese in Mexico?

A. Yes, sir.

Q. I now present to you a photograph of a Chinaman which is marked "B" on the front, and on the reverse of same is "Wong *Buck* Sue." Have you ever seen the Chinaman which this photograph represents, in Mexico?

A. Yes, he cooked for us a year ago last summer for about three months.

Q. What name did he go by?

A. I don't remember.

Q. About how old would you take that Chinaman to be? A. About 40. [43]

Q. Did he speak English?

A. Yes, spoke English some.

Q. You are positive then that the photograph above described is the photograph of a Chinaman who worked on the Davis ranch in Mexico a year ago

(Testimony of O. L. Hockenberry.)

last summer? A. Yes, sir.

Q. Did he ever make any proposition in your presence to pay anybody to take him to Los Angeles?

A. Yes, sir.

Q. What proposition?

A. He offered a party in my presence twenty-five hundred dollars if they would land him in Los Angeles.

Statement read by witness and signed by him as approved and correct:

O. L. HOCKENBERRY,

Witness.

I HEREBY CERTIFY that the foregoing is a true and correct transcript of the examination of the above-named witness.

WILLIAM H. TOMKINS,

Stenographer. [44]

[Exhibit "F" to Application for Warrant of Arrest
—Statement of Jim Lee Before Immigrant
Inspector.]

DEPARTMENT OF LABOR.

IMMIGRATION SERVICE.

L. A. file

5555/227

Office of the Inspector in Charge,

Calexico, California, January 15, 1915.

In re Wong Back Sue, Status under investigation.

Inspector in Charge GEO. W. WEBB, Examining
Officer.

WILLIAM H. TOMKINS,

Stenographer.

JIM LEE, being first duly sworn, testified in English as follows:

Q. What is your name?

A. Jim Lee. (A Chinese.)

Q. Where do you reside and what is your occupation?

A. I live in Mexicali, Mexico, and I am a merchant.

Q. How long have you lived in Mexicali, Mexico?

A. One year.

Q. I now present to you a photograph of a Chinaman which is marked "B." Do you know the Chinaman whom this photograph represents?

A. Yes.

Q. About when and where did you see him the last time?

A. I saw him about last December, in Mexicali, Mexico.

Q. Where was he living on that occasion?

A. He lived in a small house next to the "Mercantile" store, in Mexicali, Mexico.

Q. What name did he go by?

A. Wong; that's all I know.

JIM LEE.

(Signature of witness traced from the notes.)

I HEREBY CERTIFY that the foregoing is a true and correct transcript of the examination of the above-named witness.

WHT.

WILLIAM H. TOMKINS,

1/15/15/.

Stenographer. [45]

[Exhibit "G" to Application for Warrant of Arrest
—Statement of Wong Yut Before Immigrant
Inspector.]

U. S. DEPARTMENT OF LABOR.

IMMIGRATION SERVICE.

Office of Inspector in Charge,

Los Angeles, California.

January 14, 1915.

5555/227.

In Re Wong Back Sue, Status under investigation.

W. A. BRAZIE, Inspector-Stenographer.

CHARLEY LEVY, Chinese Interpreter.

WONG YUT, being first duly sworn, testified as follows:

Q. State all your names.

A. Wong Yut. Married name is Wong Gen Fun.
No others.

Q. How old are you?

A. 45; born in China, Tai Hong village, Hoi Ping district.

Q. What is your occupation?

A. Manager of the Chinese firm of Quong Yick, 411 North Los Angeles Street, Los Angeles, California.

Q. I now show you a photograph, and ask you if you know this man.

(Exhibiting photograph of Wong Back Sue, marked on back Wong Back Sue.)

A. Yes; I know him very well.

Q. What is his name?

A. Wong Thet Jung is his married name.

(Testimony of Wong Yut.)

Q. What other names has he?

A. I don't remember his boyhood name.

Q. How long have you known him?

A. I know him a long time; many years; don't remember how many.

Q. Do you know if he has a certificate of residence? A. Yes.

Q. Did you ever see it? [46] A. No.

Q. Then how do you know he had one?

A. Because I know he was here during the registration period, and he was registered.

Q. When did you see this man last?

A. Just about a week ago.

Q. Where did you see him?

A. Here in my store.

Q. How long did he live in your store?

A. He stayed here about four or five weeks.

Q. Was he in Los Angeles prior to that time?

A. I saw him here three or four years in Los Angeles.

Q. Where did he stay in Los Angeles during this time?

A. I don't know where he lived, but I saw him walking around the streets of the city. He worked around somewhere. He only stayed in my store four or five weeks before he left here.

Q. Where did he go when he left Los Angeles?

A. He said he was going to Yuma.

Q. Where did he come from when he came to Los Angeles? A. I don't know; he never told me.

Q. Where did he work in Los Angeles during

(Testimony of Wong Yut.)

these three or four years?

A. I don't know; for some American people.

Q. What was his physical condition during these three or four years? A. I don't know.

Q. Was he sick during that time?

A. I don't know about that.

Q. Did he make any trips away from Los Angeles during the three or four years you speak of?

A. I don't know anything about that. [47]

Q. Do you know when he came back from China?

A. No.

Q. During the three or four weeks he lived in your store where did he sleep?

A. Slept here in the back room.

Q. You have stated he lived in Los Angeles for the past three or four years. How often did you see him during that time?

A. I don't know how often; but he visited here once in awhile.

Q. Do you know whether he was out of Los Angeles during the past three or four years?

A. I don't know.

Q. Did he ever tell you about being away from Los Angeles during this time?

A. No; but I know he was cooking in Los Angeles during this time.

Q. Where did he cook?

A. I don't know, but he said he was cooking.

(Tracing of signature.)

WONG FONN YUT.

(Chinese Characters.) [48]

[Exhibit "H" to Application for Warrant of Arrest
—Statement of Wong Sai Gin Before Immigrant
Inspector.]

U. S. DEPARTMENT OF LABOR.

Immigration Service.

Office of Inspector in Charge.

Los Angeles, California, January, 14, 1915.

5555/227.

In re WONG BACK SUE, Status under Investigation.

W. A. BRAZIE, Inspector-Stenographer.

CHARLEY LEVY, Chinese Interpreter.

WONG SAI GIN, being first duly sworn, testified as follows:

Q. State all your names.

A. Wong Sai Gin is my married name; boyhood name, Wong Lung; also Dr. Wong.

Q. How old are you?

A. 44; born in China, Hing Wah village, Sun Ning district.

Q. What is your occupation?

A. I am the doctor at the Yick Sang Tong, 759 North Alameda street, Los Angeles.

Q. I now show you a photograph of a Chinese, and will ask if *you him*.

(Exhibiting photograph of Wong Back Sue, endorsed on the back "Wong Back Sue.")

A. Yes; I know him. His name is Wong Thet Jung. I don't know his other name. He told me his name was Wong Thet Jung.

(Testimony of Wong Sai Gin.)

Q. How long have you known him?

A. I know him since 1906.

Q. Where did he live in 1906 when you became acquainted with him?

A. I met him in Los Angeles.

Q. How long did he stay in Los Angeles at that time?

A. Just a little while. He was working as a cook in a country town, at Yuma and other small places.

Q. Do you know whether he has a certificate of residence?

A. Yes. I never saw it, but he told *me had* one.

[49]

Q. When did you see this man last?

A. A few days ago; he came into my store to buy some drugs. He bought four or five packages of health drugs.

Q. What are the drugs he bought used for?

A. For strength.

Q. Was he sick in any way?

A. While he was here he had a little cough.

Q. Did you doctor him? A. Yes.

Q. For what ailment did you doctor him *for*?

A. I doctored him for the cough. He told me he felt tired and had a cough.

Q. Did he have anything the matter with his arms or legs?

A. No. Nothing the matter with him there.

Q. How long did he live in Los Angeles the last time before he left here a few days ago?

A. I have no idea, but I remember he came here

(Testimony of Wong Sai Gin.)

to buy some drugs from me once in a while, and I saw him here a few weeks ago.

Q. How long did you doctor him?

A. Just the one time for the cough.

Q. Where did he work in Los Angeles?

A. He worked in a country town, he told me, but I don't know where.

Q. Did you ever doctor him for blood-poison in the leg?

A. No; he didn't say anything to me about that.

Q. Do you know when he made his last trip to China?

A. He told me in 1906 he made a trip to China, but I don't know when.

Q. Do you know where he came from when he came to Los Angeles this last time? I mean when he came to you to buy the drugs?

A. No; he told me he was working in a country town, but I don't [50] know the name of the place.

Q. And you only doctored him one time?

A. I gave him some medicine about two or three weeks ago, and a few days ago he left here.

Q. Where did he go when he left Los Angeles about three or four weeks since?

A. I asked him where he was going and he said he was going to Yuma.

Q. Do you know when he came to Los Angeles the last time?

A. He said he came here a few weeks ago.

Q. Where did he come from?

A. Some country town, but I don't know where.
(Tracing of signature.)

WONG SI GAM,
(Chinese Characters.) [51]

**[Exhibit "I" to Application for Warrant of Arrest
—Train Inspection Card.]**

Name: Wong Buck Sue. C. R. 95243.

Cert. Age: 45. Occupation: Cook.

From El Centro, Cal., to Los Angeles, Cal.

Via S. P. Rwy. Train No. 37. Date: Dec. 19, 1914.

Other papers or remarks: Scar left side of neck; scar
left side of top of head; scar right side of neck.

Station: El Centro, Cal.

Inspector: PALMER.

**[Exhibit "J" to Application for Warrant of Arrest
—Train Inspection Card.]**

RECORD OF ALIEN.

C. R.

NAME: Wong Back Sue. Cert. No. 95243.

Cert. Age: 45. Occupation: Cook.

From El Centro, Calif. To Los Angeles, Calif.

Via Indio, Cal. Train No. 37. Date 12-19-14.

Other papers or remarks:

Station Indio, Calif.

Inspector: FRANK G. ELLIS.

U. S. DEPARTMENT OF LABOR.

IMMIGRATION SERVICE.

MEXICAN BORDER DISTRICT. [52]

*In the District Court of the United States, in and for
the Southern District of California, Southern
Division.*

In the Matter of WONG BACK SUE on Habeas
Corpus.

Notice of Appeal.

To the Clerk of the Above-entitled Court, and to the
Hon. Albert Schoonover, United States Attorney
in and for the Southern District of California:

You and each of you will please take notice that
Wong Back Sue, petitioner herein, does hereby ap-
peal to the Circuit Court of Appeals of the United
States, for the Ninth Circuit thereof, from the order
and decree made and entered herein on the 24th day
of February, 1915, discharging the writ and dismiss-
ing the petition for a writ of habeas corpus filed
herein.

Dated at Los Angeles, California, February 24th,
1915.

W. W. HYAMS,
THOS. A. SANSON and
DUKE STONE,

Attorneys for Petitioner and Appellant Herein.

Due notice of the within notice of appeal and re-
ceipt of a copy thereof is hereby admitted this 23d
day of February, 1915.

ALBERT SCHOONOVER,
United States District Atty.
By M. G. Gallaher,
Deputy.

[Endorsed]: No. 927—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of Wong Back Sue on Habeas Corpus. [53] Notice of Appeal. Filed Feb. 24, 1915, at 30 min. past 10 o'clock, A. M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. W. W. Hyams, Thomas A. Sanson, Duke Stone, Attorneys for Petitioner, 1039 Merchants Nat'l. Bk. Bldg., Los Angeles, Cal. [54]

In the District Court of the United States, in and for the Southern District of California, Southern Division.

In the Matter of WONG BACK SUE on Habeas Corpus.

Petition for Appeal.

Comes now, Wong Back Sue, the petitioner above named and the appellant herein, and says:

That on the 24th day of February, 1915, the above-entitled court made and entered its order and decree denying the petition for a writ of habeas corpus, as prayed for, in which said order and decree in said entitled cause certain errors were made as to the prejudice of the appellant herein, all of which will more fully appear from the assignment of errors filed herewith:

WHEREFORE, this appellant prays that an appeal may be granted in his behalf to the Circuit Court of Appeals of the United States, for the Ninth Circuit thereof, for the correction of the errors so com-

plained of, and further that a transcript of the record, proceedings and papers in the above-entitled cause, as shown by the praecipe, duly authenticated, may be sent and transmitted to the said United States Circuit Court of Appeals, for the Ninth Circuit thereof.

Dated at Los Angeles, California, Febry. 24, 1915.

W. W. HYAMS,
THOS. A. SANSON,
DUKE STONE,

Attorneys for Petitioner and Appellant Herein.

[Endorsed]: No. 927—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of Wong Back Sue on Habeas Corpus. Petition for Appeal. Filed Feb. 24, 1915, at 30 min. past 10 [55] o'clock, A. M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. W. W. Hyams, Thomas A. Sanson, Duke Stone, Attorneys for Petitioner, 1039 Merchants Nat'l. Bk. Bldg. Los Angeles, Cal. [56]

In the District Court of the United States, in and for the Southern District of California, Southern Division.

In the Matter of WONG BACK SUE on Habeas Corpus.

Assignments of Error.

Now comes the petitioner and appellant in the above-entitled cause, and makes the following assignments of error which he avers occurred in denying

the petition for the writ of habeas corpus herein and dismissing same.

FIRST.

The Court erred in denying the petition for the writ of habeas corpus herein and in dismissing petitioner's petition; for the reason

(a) That there was not sufficient evidence upon which to sustain the warrant of deportation issued in this case by W. B. Wilson, Secretary of Labor of the United States, and

(b) That upon the face of said warrant, it is impossible to tell upon what grounds the deportation of the petitioner is sought, and in that the said warrant charges more than one ground for said deportation, and this petitioner is unable to tell from said warrant upon what grounds the same was issued; and

(c) That the evidence made a part of the record in this cause, or purported evidence, upon which said purported warrant was issued, is not such evidence as to show the petitioner within any class that might be deported under the terms of the said warrant.

SECOND.

The Court erred in not holding that petitioner had been deprived of a fair hearing on his examination before the Immigrant Inspector and the Assistant Secretary of Labor, and

(B) In failing to hold that petitioner was deprived of [57] due process of law in said hearing, and

(C) In failing to hold that petitioner was not accorded the protection of the laws of the United States guaranteed other persons of his class.

THIRD.

And that said Court erred in refusing to hold that said petitioner, if he was subject to deportation, should not be deported to the Republic of Mexico from whence he came, in that the record on file in this cause shows that the petitioner had acquired a legitimate status in the United States by a certificate of residence dated March 31st, 1894, and that if he departed from the United States and returned, the departure was into the Republic of Mexico from which he returned; all since said certificate of residence was issued to the petitioner.

Respectfully submitted,

W. W. HYAMS,

THOS. A. SANSON,

DUKE STONE,

Attorneys for Petitioner.

[Endorsed]: No. 927—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of Wong Back Sue, on Habeas Corpus. Assignments of Error. Filed Feb. 24, 1915, at 30 min. past 10 o'clock, A. M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. W. W. Hyams, Thomas A. Sanson, Duke Stone, Attorneys for Petitioner, 1039 Merchants Nat'l. Bk. Bldg., Los Angeles, California. [58]

In the District Court of the United States, in and for the Southern District of California, Southern Division.

In the Matter of WONG BACK SUE on Habeas Corpus.

Order Allowing Petition for Appeal.

On this the 24th day of February, 1915, came Wong Back Sue, petitioner herein, by his attorneys, Sanson & Stone and W. W. Hyams, and having previously filed same herein, did present to this court his petition praying for the allowance of an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, intended to be urged and prosecuted by him, and praying also that a transcript of the record and proceedings and papers upon which the judgment herein was rendered, duly authenticated, may be sent and transmitted to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had in the premises as may seem proper;

NOW, THEREFORE, on consideration thereof, this Court hereby allows the appeal hereby prayed for, and orders execution and remand stayed pending the hearing of the said cause in the said United States Circuit Court of Appeals for the Ninth Circuit; and it is further ordered that the said Wong Back Sue may be admitted to bail herein in the sum of \$2,500, during the pendency of the appeal taken herein from said judgment; provided said appeal be docketed in the Circuit Court of Appeals within

thirty days from the date hereof, and that the said Wong Back Sue do not depart from the jurisdiction of this Court, but remain and abide by whatever judgment shall finally be entered therein.

Dated at Los Angeles, California, February 24th, 1915.

BENJAMIN F. BLEDSOE,
United States District Judge. [59]

Due service of the within order allowing appeal and receipt of a copy thereof is hereby admitted this 24th day of February, 1915.

ALBERT SCHOONOVER,
United States District Atty.

By M. G. Gallaher,
Deputy.

[Endorsed]: No. 927—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of Wong Back Sue on Habeas Corpus. Order Allowing Appeal. Filed Feb. 24, 1915, at 30 min. past 10 o'clock, A. M. Wm. M. Van Dyke, Clerk, Murray C. White, Deputy. W. W. Hyams, Duke Stone, Thomas A. Sanson, Attorneys for Petitioner, 1039 Merchants Nat'l. Bk. Bldg., Los Angeles, Cal. [60]

In the District Court of the United States, in and for the Southern District of California, Southern Division.

In the Matter of WONG BACK SUE, on Habeas Corpus.

Praeipie [for Transcript of Record].

To W. M. VAN DYKE, Clerk of the District Court of the United States, Southern District of California, Southern Division.

Sir: Please make up transcript of appeal in the above-entitled case to be composed of the following papers:

1. Petition for writ of habeas corpus and all exhibits used or filed in connection therewith.
2. Order for writ of habeas corpus and bond for appearance.
3. Writ of habeas corpus and return thereon.
4. Reply to return on writ.
5. Supplemental petition for writ.
6. Decision of the Court.

Dated Feby. 24, 1915.

W. W. HYAMS,
THOS. A. SANSON and
DUKE STONE,

Attorneys for Petitioner.

[Endorsed]: No. 927—Crim. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of Wong Back Sue on Habeas Corpus. Praeipie. Filed Feb. 24, 1915, at 30 min. past 10

o'clock A. M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. W. W. Hyams, [61] Thomas A. Sanson, Duke Stone, Attorneys for Petitioner, 1039 Merchants Nat'l Bk. Bldg., Los Angeles, Cal. [62]

**[Certificate of Clerk U. S. District Court to
Transcript of Record.]**

*In the District Court of the United States, in and
for the Southern District of California, South-
ern Division.*

No. 927—CRIM.

In the Matter of the Petition of WONG BACK
SUE for a Writ of Habeas Corpus.

I, Wm. M. Van Dyke, Clerk of the District Court of the United States of America, in and for the Southern District of California, do hereby certify the foregoing sixty-two (62) typewritten pages, numbered from 1 to 62, inclusive, and comprised in one (1) volume, to be a full, true and correct copy of the Petition for Writ of Habeas Corpus, Order Denying Application for Writ, Transcript of Hearing Before Immigration Officials, Notice of Appeal, Petition for Appeal, Assignments of Error, Order Allowing Petition for Appeal, and Praecipe for Transcript on Appeal, in the above and therein-entitled matter, and that the same together constitute the record in said matter as specified in the said Praecipe filed in my office on behalf of the petitioner and appellant by his attorneys of record;

I do further certify that the cost of the foregoing

record is \$33.60, the amount whereof has been paid me by Wong Back Sue, the petitioner and appellant in said matter.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the District Court of the United States of America, in and for the Southern District of California, Southern Division, this 30th day of April, in the year of our Lord one thousand nine hundred and fifteen, and of our Independence the one hundred and thirty-ninth.

[Seal] WM. M. VAN DYKE,
Clerk, U. S. District Court for the Southern District of California.

By Chas. N. Williams,
Deputy Clerk.

[Ten Cent Internal Revenue Stamp. Canceled
4/30/15. Chas. N. W.] [63]

[Endorsed]: No. 2611. United States Circuit Court of Appeals for the Ninth Circuit. Wong Back Sue, Appellant, vs. Charles T. Connell, as Immigration Inspector in Charge, Appellee. In the Matter of the Petition of Wong Back Sue for a Writ of Habeas Corpus. Transcript of Record upon Appeal from the United States District Court for the Southern District of California, Southern Division.

Filed May 27, 1915.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Meredith Sawyer,
Deputy Clerk.